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October 22, 2019

VIA E-FILING

Jocelyn Boyd, Esquire
Chief Clerk and Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

RE: Annual Review of Purchased Gas Adjustment and Gas Purchasing Policies of
Dominion Energy South Carolina, Incorporated f/k/a South Carolina Electric &
Gas Company
Docket No. 2019-5-G

Dear Ms. Boyd:

As the record will reflect, I represent the South Carolina Energy Users Committee ("SCEUC") which submitted comments in this docket October 9, 2019. By filing made October 17, 2019, Dominion Energy South Carolina ("DESC") made reply to SCEUC's comments, arguing that because SCEUC is not a party, its comments are not material to the issues in the docket and that DESC's customers had adequate notice of the increase in rates requested in prefiled testimony filed September 20, 2019. DESC's request to increase its penalties imposed on its interruptible customers is not properly before the Public Service Commission ("Commission").

DESC suggests that SCEUC had an opportunity to participate in the docket after learning of the inadequate notice in a call with the ORS September 29, 2019, ten days after the return date expired, and argues that SCEUC could have petitioned to intervene out of time. However, the eleventh-hour notice precluded meaningful participation in the docket. Prefiled testimony was due twelve days later on October 11, 2019, precluding any opportunity for discovery or factual investigation, much less employing a witness and preparing testimony.¹ More important, had

¹ While DESC testimony states the purpose for the penalty increase, it fails to set out any factual justification for the increase. An adequate opportunity for discovery would have permitted SCEUC to have ferreted out DESC's justification for the penalty increase.

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SCEUC filed a petition to intervene out of time immediately following its September 29, 2019 conversation with ORS, the earliest the Commission could have ruled on the petition was October 16, 2019, five days after testimony was due.²

In its correspondence of October 8, 2019, the Office of Regulatory Staff (“ORS”) placed the notice issue before the Commission. Under the circumstances prevailing at the late stage in the proceedings, SCEUC’s only reasonable alternative was to support the ORS’ position that notice was inadequate to authorize DESC to increase its penalties on interruptible customers.

A review of the timeline serves to demonstrate the failure of the notice to customers all the more clearly. Historically, utilities have resorted to euphemisms to describe rate increases in their captions to rate case applications. Terms such as “update proceedings,” and “rate adjustments,” have served to mask the real intent of the utility – rate increases. In DESC’s notice to customers mailed October 7, 2019, DESC informs its customers of proposed “pricing changes”. (DESC correspondence of October 16, 2019 at p. 5). DESC still could not bring itself to inform its customers that it proposed to **increase** prices. Even after the ORS and SCEUC raised an issue as to notice, DESC described its request as that to “amend the penalty” and “amend the price” to interruptible customers (DESC October 16, 2019 correspondence at p. 2). DESC does not propose to correct a scrivener’s error in its tariffs. DESC proposes to increase the penalties to interruptible customers.

This Commission has established a policy of transparency in pleading requiring an investor-owned utility to include language in “the heading or caption of the filing [to] include specific words that indicate specifically the type of adjustment or impact that the filing could potentially have on South Carolina ratepayers.” Order No. 2019-214 (a copy of which is attached to these comments). DESC is seeking an increase in interruptible penalties. However, notice in this docket fails the test of Order No. 2019-214.

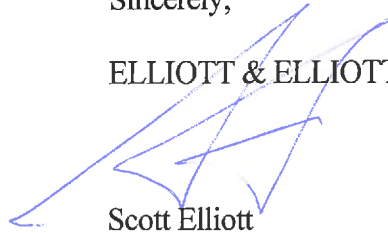
The caption to this docket provides notice of a purchased gas “adjustment,” which under Order No. 2019-214 is inadequate to support DESC’s request for an increase in interruptible penalties. SCEUC appreciates the opportunity to support the ORS position on the issue of the inadequacy of notice through comment to the Commission and would respectfully urge the Commission to deny DESC’s request to increase the penalties in this docket.

² The tenth day after service would have fallen on September 9, 2019 precluding the Commission from acting that day.

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Sincerely,

ELLIOTT & ELLIOTT, P.A.

A handwritten signature in blue ink, appearing to be "Scott Elliott", is written over the typed name. The signature is stylized with a large, sweeping initial "S".

Scott Elliott

SE/lbk
Enclosures

cc: All parties of record (Via Electronic Mail)

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

| | | | |
|-----------------------|-------------------------------------|------------|-----------------------|
| ADMINISTRATIVE MATTER | <input type="checkbox"/> | DATE | <u>March 20, 2019</u> |
| MOTOR CARRIER MATTER | <input type="checkbox"/> | DOCKET NO. | <u>2005-83-A</u> |
| UTILITIES MATTER | <input checked="" type="checkbox"/> | ORDER NO. | <u>2019-214</u> |

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

Docket No. 2005-83-A - Public Service Commission of South Carolina - Administrative and Procedural Matters - Staff Presents for Commission Consideration Case Captions or Headings that are Filed or Submitted by Regulated Entities with the Commission.

COMMISSION ACTION:

One of the Commission's primary roles is to review, examine, and properly dispose of filings made at this Agency by regulated investor-owned public utilities.

These filings contain case captions which are used to create dockets at the Commission, included as captions on Notices that are published in newspapers and sent to customers, and also utilized as headings on the Commission Orders that we issue when we rule on matters.

It is very important that case captions or headings of legal filings submitted to the Commission include words or phrases that signal to the reader the impact that the request will have on ratepayers.

For this reason and for the sake of **transparency**, Mr. Chairman, I move that if a filing made by an investor-owned public utility is filed with this Commission, the heading or caption of the filing must include specific words that indicate specifically the type of adjustment or impact that the filing could potentially have on South Carolina ratepayers. So, if the filing contains a request for an increase, decrease, or adjustment in the company's rates or charges, or a new or deleted rate or charge, the heading or caption of the filing must include these words or phrases.

If the caption fails to specifically state whether the filing includes a request for an increase, decrease, or adjustment in the company's rates or charges, or a new or deleted rate or charge, the Chief Clerk is instructed to return the filing to the filer within ten days of the Commission's receipt of the filing.

After the ten days has elapsed, if the Commission finds that the caption has not appropriately represented the impact on customers' rates or charges, the Commission reserves the right to take any action it deems necessary, including but not limited to dismissal of the application.

PRESIDING: RandallSESSION: RegularTIME: 2:00 p.m.

MOTION YES NO OTHER

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|-----------|-------------------------------------|-------------------------------------|--------------------------|
| BELSER | <input type="checkbox"/> | | |
| ERVIN | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| HAMILTON | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| HOWARD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| RANDALL | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WHITFIELD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WILLIAMS | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

(SEAL)



RECORDED BY: J. Schmieding